

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENNETH GRAY,

Plaintiff,

v.

RANDALL HEPP ET AL,

Defendants.

ORDER

Case No. 18-cv-958-jdp

On December 7, 2018, this court entered an order directing plaintiff Kenneth Gray to submit by December 28, 2018 an initial partial payment of the filing fee in the amount of \$230.57. Now plaintiff has filed a motion to use release account funds to pay the entire fee for filing this case. However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Therefore, plaintiff cannot use the release account funds to pay the entire balance of the \$350.00 filing fee.

The only amount plaintiff must pay at this time is the \$230.57 initial partial payment. Before officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes.

Since the court has not yet received plaintiff's \$230.57 initial partial payment and the deadline is December 28, 2018, the court will provide plaintiff with an enlargement of time until January 18, 2019 to pay the initial partial payment.

ORDER

IT IS ORDERED that,

1. Plaintiff Kenneth Gray's motion for use of release account funds to pay the entire filing fee in this case is DENIED.

2. Plaintiff may have until January 18, 2019, to submit a check or money order made payable to the clerk of court in the amount of \$230.57. If by January 18, 2019, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing at a later date.

Entered this 28th day of December, 2018.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge